IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 22557 of 2006(I)

PETITIONER:

R.SULOCHANA, W/O.PRABHAKARAN (LATE),
AGED 34 YEARS, LECTURER, PARAPRATH VEEDU,
MANGATTIDAM AMSOM AND DESOM, P.O.MANGATTIDAM,
THALASSERI TALUK.

BY ADV. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL

RESPONDENTS:

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1. SENIOR DIVISIONAL MANAGER,
LIFE INSURANCE CORPORATION OF INDIA,
DIVISIONAL OFFICE, KOZHIKODE.

2. BRANCH MANAGER, LIFE INSURANCE
CORPORATION OF INDIA, BRANCH OFFICE,
P.B.NO.6, VAYAM THODU, MATTANNUR, PIN-670 702.

3. P.KRISHNAN NAMBIAR, S/O.KRISHNAN NAMBIAR
RAYAROTH HOUSE, KOLARI AMSOM PARIYARAM,
DESOM, KOLARI, THALASSERI TALUK.

4. BIJU.C.K., S/O.KRISHNAN NAMBIAR,
AGED 23 YEARS, WELDOR, RAYAROTH HOUSE,
KOLARI AMSOM, PARIYARAM DESOM, THALASSERI TALUK.

5. P.BALAKRISHNAN, S/O.KUNHAMBU,
AGED 41 YEARS, KARIYIL VEEDU, KEEZHUR AMSOM,
PUNNAD DESOM, THALASSERI TALUK.

BY ADV. SRI.N.RAJAGOPALAN NAIR
SRI.K.SIVAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.22557 OF 2006

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.EXT.P1- TRUE COPY OF the MARRIAGE CERTIFICATE.

EXT.P2- TRUE COPY OF HT ELEGAL HEIR CERTIFICATE ISSUED BY HT ETAHASILDAR, THALASSERI.

EXT.P3- TRUE COPY OF the CLAIM STATEMENT FILED BY the PETITIONER.

EXT.P4-TRUE COPY OFHTE MEDICAL ATTENDANCE CERTIFICATE.

EXT.P5- TRUE COPY OF the IDENTITY, BURIAL OR CREMATION CERTIFICATE.

EXT.P6- TRUE COPY OF THE APPLICATION DATED 12-1-2005.

EXT.P7- TRUE COPY OF the LETTER ISSUED BY THE IST RESPONDENT.

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.22557 of 2006-I

Dated this the 18th day of December, 2006

JUDGMENT

The petitioner is the wife of late P.Prabhakaran. The deceased took two LIC policies of Rs.1 lakh each, issued by respondents 1 and 2. Since Prabhakaran died, the petitioner who is his wife is entitled to get Rs.4,53,699/-. The nomination in the policies were made before the petitioner's marriage. When it was found that respondents 3 and 4, the nominees in the policies were trying to get the policy amount, the petitioner filed O.S.241/2004 before the Munsiff Court, Kuthuparamba and obtained an order of injunction. The respondents 3 and 5 have respectively filed O.S.351 of 2005 and O.S.236 of 2006 before the Sub Court, Thalassery, claiming amounts from her, stated to be due from her husband. The petitioner made Ext.P3 claim before the insurance company, to pay the insurance amount, to her. But, the LIC is not paying the amount. Therefore, this writ petition seeking appropriate reliefs.

2. Normally, the LIC is bound to pay the amount to the nominees. So, I feel that for the petitioner to establish her right,

she has to move the Civil Court. As mentioned earlier, she has already moved the Civil Court.

Therefore, this writ petition is closed without prejudice to the contention of the petitioner and her right to pursue the civil suit filed by her. She will be free to move the Insurance Ombudsman also, if so advised. The learned counsel for the petitioner prays for a direction to the LIC, to deposit the amount in a nationalised bank so that it will fetch interest. I think this request will be in the interest of both sides. Accordingly, respondents 1 and 2 are directed to deposit the insurance amount due under the two policies, in a nationalised bank, in the name of the LIC, so that the successful party can get the amount with interest.

K.BALAKRISHNAN NAIR,JUDGE.

MS